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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/742,897	12/23/2003	Louis Gregory Alster	08350.2652	7089
22852	7590	04/03/2006	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			PHAN, HAU VAN	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/742,897	Applicant(s) ALSTER ET AL.	
	Examiner Hau V Phan	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-18 and 20-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-18 and 20-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 2/22/2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1-3, 5-18 and 20-27 are rejected under 35 U.S.C. 102(a) as being anticipated by Keller (US 2003/0104899).**

Keller in figures 1-8, discloses an electric drive system a first engine (22) tuned to have a minimum specific fuel consumption value within a first range of rotations per minute (after powering up, a first engine is active, which can be considered a first range of rotation per minute), a second engine (not number) tuned to have a minimum specific fuel consumption value within a second range of rotations per minute (if additional engine is needed, which can be considered a second range). Wherein the second range of rotations per minute is different than the first range (The rpm of the first start engine is different than the engine speed). Keller also discloses a controller (30) configured to operate the first engine within the first range of rotations per minute and the second engine within the second range of rotations per minute. Keller also discloses a first

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electric generator (24) adapted to be driven by the first engine and to generate a first output, a second electric generator (not number, figure 1) adapted to be driven by the second engine and to generate a second output, an energy storage device (15) adapted to receive the first output from the first electric generator and the second output from the second electric generator. Keller further discloses an electric motor (12) operatively connected to the energy storage device. The electric motor is operable to generate mechanical power.

Regarding claim 2, Keller discloses the energy storage device that is a battery.

Regarding claims 3 and 18, Keller discloses the first and second engines having a substantially similar torque output capacity.

Regarding claims 5 and 20, Keller discloses the first engine having preferred operational characteristics within a first torque range and the second engine has preferred operational characteristics within a second torque range, and wherein the first torque range is greater than the second torque range.

Regarding claims 6 and 21, Keller discloses the first output of the first generator, which is greater than the second output of the second generator.

Regarding claims 7 and 22, Keller discloses a heat exchanger operatively connected with the first engine and the second engine (paragraph 0032).

Regarding claims 8 and 23, Keller discloses a transmission axle adapted to be driven by the electric motor (figure 1).

Regarding claims 9 and 24, Keller discloses a controller (30) operatively connected with the first engine and the second engine. The controller adjusts the

operation of the first engine and the second engine based on current operating conditions.

Regarding claim 25, Keller discloses the second engine having a specific fuel consumption within the second range of rotations per minute that is lower than a specific fuel consumption of the first engine when the first engine operates outside of the first range of rotations per minute (Keller discloses the two engines having different efficiency profiles so that it may be possible to operate both engines within respective efficient ranges).

Regarding claim 26, Keller discloses the second engine having a specific fuel consumption within the second range of rotations per minute that is lower than a specific fuel consumption of the first engine when the first engine operates outside of the first range of rotations per minute.

Regarding claim 27, Keller discloses the second internal combustion engine having a specific fuel consumption within the second range of rotations per minute that is lower than a specific fuel consumption of the first internal combustion engine when the first internal combustion engine operates outside of the first range of rotations per minute (Keller discloses the first engines having a first fuel efficiency profile and the second engine having a second fuel efficiency profile. The second fuel efficiency profile is being different than the first fuel efficiency profile. The different can be considered lower or higher).

Response to Arguments

4. Applicant's arguments with respect to claims 1-3, 5-18, 20-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau Phan
3/29/06

Hau V Phan
Primary Examiner
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